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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Somalia

1. At its 15th meeting, on 20 June 2008, the Working Group examined a report of the Secretary-General on children and armed conflict in Somalia (S/2008/352), introduced by the Special Representative of the Secretary-General. The Representative of Somalia participated in the subsequent discussions on the report.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report by the Secretary-General in accordance with Security Council resolution 1612 (2005). Some members expressed full support for the Secretary-General's analysis and recommendations while others expressed their disagreement with certain recommendations.

4. Grave concern was expressed that recruitment and use of children by several parties to the conflict, including the armed forces of the Transitional Federal Government, the Al-Shabaab group and armed groups affiliated with the Union of Islamic Courts, had continued over the period covered by the report; reports of training and use of young children by the Al-Shabaab group to plant roadside bombs and commit terrorist acts were particularly disturbing.

5. Grave concern was also expressed about the high number of children killed and maimed as a result of fighting, indiscriminate or excessive use of force, widespread insecurity, targeting of schools, availability of small arms and use of anti-personnel landmines by the belligerents, and in this context, the importance of the respect by all parties to the conflict of international humanitarian law and other applicable international law was stressed.

6. The members of the Working Group also noted with concern the rise in reported cases of rape and other forms of sexual violence, in particular in settlements of internally displaced persons.

7. The members were also particularly worried by the fact that the overall situation of children had probably deteriorated since the last report by the Secretary-General, and stressed in this context the importance of allowing safe and effective humanitarian access.

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8. It was nevertheless noted that the recommendations of the Working Group were being developed in the context of the signature, on 19 August 2008, of the agreement between the Transitional Federal Government and the Alliance for the Re-Liberation of Somalia, and that the implementation of the agreement, which was also key to the improvement of the security environment and to child protection, needed to be encouraged.

9. The importance of addressing child protection in this new context, and the continuing relevance of the implementation by all the parties of the previous recommendations of the Working Group (S/AC.51/2007/14), were reiterated.

10. The Permanent Representative of Somalia:

(a) Questioned the level of credibility of some information and sources mentioned in the report and insisted, in this context, on the need for an increased presence of United Nations entities in Somalia;

(b) Reiterated the commitment of the Transitional Federal Government to the welfare of children and its willingness to cooperate with the Working Group and the United Nations for increased child protection.

11. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including Security Council resolution 1612 (2005), the Working Group agreed to the following.

Public Statement by the Working Group

12. The Working Group agreed that the Chairman would issue a public statement on its behalf:

(a) *Expressing its grave concern* at the high number of children killed and maimed as a result of violence between the parties to the conflict in Somalia, as well as the use of children by some groups to plant roadside bombs and other explosive devices, and the indiscriminate use of anti-personnel landmines, and condemning, in particular, recent indiscriminate shelling and mortar attacks in Mogadishu, resulting in numerous casualties among civilians, including children;

(b) *Urging* all parties to the armed conflict in Somalia to:

(i) Comply fully with their obligations under international humanitarian law, inter alia, related to the protection of the civilian population, especially children, and making all efforts to minimize civilian casualties during fighting;

(ii) Recognize and commit themselves to maintaining the neutrality and security of schools and hospitals as safe zones in conflict-affected areas, and in this context, to refrain from attacks on such safe zones and take all necessary precautions to minimize child casualties during military operations;

(iii) Allow, as a matter of priority, full, unimpeded and secure humanitarian access for children, as well as free passage for international and national child protection actors;

(iv) Put an end, with immediate effect, to all acts of sexual violence against children and take measures to protect children from such violence, including through training troops about the prohibition of all forms of sexual violence

against children, enforcing appropriate military disciplinary measures and bringing perpetrators to justice;

(v) Halt new deployments of landmines immediately, bearing in mind the serious threat that landmines pose to the safety, health and lives of children in Somalia;

(vi) Ensure that the protection of children is explicitly reflected in ongoing reconciliation efforts and peace processes in order to place adequate focus on children in disarmament, demobilization and reintegration programmes and in post-conflict rehabilitation and reconstruction;

(vii) For those, such as the remnant groups of the Union of Islamic Courts and the Al-Shabaab group, which have been recruiting and using children, including for planting roadside bombs and other explosive devices, to release unconditionally all children present in any capacity in their ranks for reintegration to their families and communities, and to engage at the earliest occasion with United Nations country team, in particular the United Nations Children's Fund (UNICEF) and, where appropriate, through its partners for an action plan, with a view to putting an end to the serious violations and abuses committed against children and ensuring transparent procedures for the release of all children.

Recommendations to the Security Council

13. The Working Group also agreed to recommend that the President of the Security Council transmit letters from the Chairman of the Working Group addressed:

To the Transitional Federal Government of Somalia

(a) *Recalling* the conclusions of the Working Group on children and armed conflict in Somalia (S/AC.51/2007/14), in which it urged the Transitional Federal Government of Somalia, inter alia, to take the necessary actions towards the unconditional demobilization of all children present in any capacity in its armed forces and to prevent any further recruitment and use of children in armed conflict, to control the dissemination of small arms, to build, with the assistance of the international community, a child protection capacity, to fight against impunity, to ensure the participation of child protection actors, as appropriate, in reconciliation processes and to develop programmes to raise awareness of children's rights;

(b) *Welcoming*:

(i) The commitments made by the Transitional Federal Government in addressing the needs of children in armed conflicts, while stressing the importance of their implementation as a matter of priority;

(ii) The dialogue between officials of the Transitional Federal Government and UNICEF, as well as other United Nations agencies, on subjects such as the presence of children in the armed forces, respect for international humanitarian law and the granting of full, unimpeded and secure access to humanitarian aid and the release of children in detention for alleged association with rebel armed groups;

(iii) The signing in Djibouti, on 19 August 2008, of a peace and reconciliation agreement between the Transitional Federal Government of Somalia and the Alliance for the Re-Liberation of Somalia, and expressing the hope that the implementation of the Agreement by all the parties will rapidly have a positive impact on the security environment and on the protection of children in Somalia;

(c) *Urging* it to:

(i) Implement without delay the recommendations contained in the previous report of the Working Group on children and armed conflict in Somalia (S/AC.51/2007/14);

(ii) Ensure that no further recruitment and use of children takes place in its armed forces, including at the local level, through the issuance of unequivocal military orders reaffirming the policy of the Transitional Government of Somalia;

(iii) Take the necessary actions towards the identification and unconditional demobilization of all children present in any capacity in its armed forces and, in the meantime, ensure that no children in its armed forces take part in hostilities;

(iv) Engage with child protection partners with a view to releasing, as a matter of urgency, any children detained in violation of international humanitarian law;

(v) Ensure that child protection considerations are reflected in the implementation of the Djibouti peace and reconciliation agreement in order to secure adequate resources and focus for children in the disarmament, demobilization and reintegration of militia and ex-combatants, as well as in post-conflict rehabilitation and reconstruction in Somalia;

(vi) Take all feasible steps, in coordination with Ethiopian forces, to ensure that Ethiopian forces deployed in Somalia comply fully with their obligations under international humanitarian law, in particular by protecting the civilian population, especially children, and taking all necessary precautions to minimize child casualties in military operations and to ensure that all necessary measures are taken to address allegations of grave violations and abuses committed against children, including killings, maimings, rape and sexual violence, through strengthened preventive measures, the enforcement of appropriate military disciplinary measures and the prosecution of perpetrators;

(vii) Take all feasible steps, with the assistance of the international community, to address piracy as an impediment to the access of children to humanitarian assistance;

(d) *Encouraging* it to:

(i) Consider ratifying, as early as possible, the Convention on the Rights of the Child and the Optional Protocol to the Convention on the involvement of children in armed conflict;

(ii) Control, with the appropriate assistance of the international community, the dissemination of small arms, as their ready availability renders children

more vulnerable to violations and abuses and increases the risk of crimes being committed against them;

(iii) Build, with the assistance of the international community, child protection capacity and ensure that violations and abuses committed against children are rigorously investigated and prosecuted in order to address the prevailing culture of impunity;

(iv) Ensure participation of child protection actors, as appropriate, in the implementation of the Djibouti peace and reconciliation agreement;

(v) Continue to develop, in partnership with UNICEF, programmes and strategies to raise awareness among society of the rights of the child and of the need for all parties to protect children.

To the Secretary-General

(e) *Welcoming* his call upon the United Nations country team to continue to establish systematic protection dialogue with all the parties to the conflict towards the development of concrete, time-bound action plans to end recruitment and use of child soldiers as well as other violations and abuses committed against children;

(f) *Asking* him to ensure, as a matter of priority, the implementation of his recommendation to incorporate child protection advisers in the United Nations Political Office for Somalia, to serve, inter alia, as interlocutors with child protection actors, as appropriate;

(g) *Also asking* him to request his Special Representative for children and armed conflict to undertake a visit to Somalia, as soon as feasible, to assess first-hand the situation for children and the implementation of recommendations contained in the conclusions of the Working Group on Children and Armed Conflict;

(h) *Encouraging* him to continue exploring, in cooperation with the Chairperson of the African Union Commission, ways and means to include the provision of child protection advisers in the African Union Mission in Somalia (AMISOM) and to strengthen the monitoring and reporting by AMISOM of violations and abuses committed against children in armed conflict, in order to allow for prompt advocacy and effective response to such situations and abuses;

(i) *Requesting* him to ensure that the contingency planning undertaken upon request of the Security Council for the possible deployment of a United Nations peacekeeping operation in Somalia includes appropriate child protection considerations and provisions, and inviting him to include information on this aspect in the update to be provided in the next report to the Security Council under its resolution 1814 (2008);

(j) *Also requesting* him to ensure that, given the high level of vulnerability to violence of children living in settlements for internally displaced persons, and in particular to killings, maimings, rape and sexual violence, effective mechanisms are developed by relevant United Nations agencies and implementation partners to provide protection from such violence in those environments;

(k) *Inviting* him to request the United Nations Development Programme (UNDP) and UNICEF and other relevant United Nations agencies, within their respective mandates and in close cooperation with the Transitional Government of

Somalia, to continue to address socio-economic issues, which will also contribute to addressing the welfare of children affected by armed conflict, including strengthening national institutions and further provide assistance in the implementation of rehabilitation and reintegration programmes and to strengthen the education system, including in conflict-affected areas;

(l) *Inviting* him to address the long-term effects of armed conflict on children by supporting the development of an adequate health-care system to facilitate their full recovery, including special attention to psychological care for all children affected by armed conflict, and appropriate health care and services for affected girls;

(m) *Informing* him of the concern of the Working Group that the lack of financial resources for capacity-building in Somalia for advocacy, community awareness, response to violations and abuses committed against children, including for disarmament, demobilization and reintegration programmes for children, poses a significant challenge, and inviting him to call on the international community to continue to allocate funding in this regard.

To the President of the African Union Peace and Security Council and the Chairperson of the Commission of the African Union

(n) *Commending* the contribution that AMISOM is making to lasting peace and stability and to the restoration of a secure environment in Somalia, and welcoming in particular the continuing commitment of the Governments of Uganda and Burundi;

(o) *Encouraging* the African Union, in coordination with the United Nations and donors, to consider the appointment of child protection advisers within AMISOM, with a view to ensuring that child protection is prioritized, to contribute to efforts to monitor and report on violations and abuses committed against children, and to allow for prompt advocacy and effective response to such violations and abuses committed against children in the armed conflict in Somalia.

Direct action by the Working Group

14. The Working Group agreed to address a letter from the Chairman:

To the World Bank and donors

(a) *Requesting* that they ensure that sufficient resources are made available to support: programmes and local capacities in the areas of advocacy, community awareness, demobilization and reintegration of children associated with armed forces and armed groups; response to violations and abuses committed against children, including more effective mechanisms to prevent recruitment and to protect children from all violations and abuses committed against children in the internally displaced persons settlements; and support to efforts by the Transitional Federal Government to address impunity for perpetrators of violations and abuses committed against children and to strengthen the rule of law;

(b) *Encouraging* them to provide funding to support the Transitional Government of Somalia and relevant humanitarian actors in reintegration activities for children formerly associated with armed forces and groups; drawing their attention to the importance of educational and socio-economic reintegration,

including poverty alleviation activities, in order to prevent the recruitment and use of children in armed forces and groups by providing those children with a viable alternative.

To the Somalia Task Force on Monitoring and Reporting

(c) *Commending* its efforts in the follow-up to Security Council resolution 1612 (2005) and to the conclusions of the Working Group, as well as its dialogue with the parties, to prevent and address violations against children;

(d) *Requesting* continued dialogue with all stakeholders to secure commitments and concrete actions for the protection of children;

(e) *Also requesting* it to explore the possibility of establishing a base in Somalia for the Somalia Task Force on Monitoring and Reporting, subject to improvement of the security conditions on the ground, and in coordination with the United Nations Political Office in Somalia.